

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP/Rec(2024)04
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Hungary**

*adopted at the 34th meeting of the Committee of the Parties
on 21 June 2024*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Hungary on 4 April 2013;

Recalling Committee of the Parties' Recommendation CP/Rec(2019)07 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Hungary and the report of the Hungarian authorities on measures taken to comply with this recommendation, submitted on 16 October 2020;

Having examined the third report concerning the implementation of the Convention by Hungary, adopted by GRETA at its 49th meeting (13-17 November 2023), as well as the comments of the Hungarian Government received on 5 February 2024;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Hungary;

Welcoming the measures taken and progress achieved by the Hungarian authorities in implementing the Convention, and in particular:

- the adoption of the National Anti-Trafficking Strategy (2020-2023) and the accompanying Action Plans, which reflect some of GRETA's previous recommendations;
- the further development of the legislative framework for action against trafficking in human beings, including the incorporation of labour exploitation into the definition of trafficking in human beings, and the introduction of harsher punishments for trafficking offences;
- the issuing of guidelines by the Office of the Prosecutor General in order to facilitate the detection and prosecution of cases of human trafficking, and the increased number of prosecutions and convictions in such cases;
- the establishment of a network of prosecutors specialised in trafficking in human beings and the appointment of anti-trafficking senior supervisor officers in county/capital police headquarters;
- the adoption of stricter rules concerning the registration and operation of temporary employment agencies, which reduce the risk of workers becoming victims of human trafficking;
- the steps taken to improve the identification of victims of trafficking, including the updated list of indicators of trafficking and the development of a protocol outlining the steps to be taken by the bodies which identify presumed victims of trafficking.

A. Recommends that the Government of Hungary take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. take further steps to guarantee accessible and effective legal assistance for victims of human trafficking in practice, by ensuring that:
 - legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make a statement to the police;
 - victims of trafficking have unrestricted access to free legal aid by a professional lawyer with specialised knowledge on human trafficking cases in legal proceedings, including the enforcement proceedings and the proceedings on state compensation;
 - training on human trafficking is provided to lawyers registered as free legal aid providers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer;
 - NGOs which provide free legal assistance to victims of trafficking receive adequate funding;
 - possible victims of trafficking among asylum seekers are provided with access to legal assistance and legal aid throughout the relevant proceedings. Legislation providing for criminal liability of lawyers in cases in which asylum seekers withhold information from the authorities should not be applied in a way which would prevent lawyers and NGOs from providing legal assistance to victims of trafficking and deprive possible victims of trafficking among asylum seekers of the rights guaranteed to them under the Convention (paragraph 57);
2. take steps to facilitate and guarantee effective access to compensation for victims of trafficking, including by:
 - systematically informing victims of their right to seek compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance from their first contact with the competent authorities in order to exercise this right;
 - enabling victims to effectively exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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- making full use of the legislation on the seizure and confiscation of criminal assets to secure compensation to victims, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
 - ensuring that victims obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
 - simplifying the application procedure for State compensation to make it more accessible to victims, as well as to ensure that all victims of trafficking who were exploited in Hungary are able to benefit from it regardless of the regularity of their stay in Hungary at the time of the request for state compensation (paragraph 79);
3. bring the definition of trafficking in human beings in the Criminal Code fully in line with Article 4 of the Convention, including by ensuring that all forms of exploitation are adequately covered, including slavery, practices similar to slavery and servitude, as well as that the use of means is not required in case of child victims (paragraph 87);
 4. adopt a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so and/or to issue guidance to the police and public prosecutors on the application of the non-punishment principle, accompanied by training to police officers, prosecutors and judges on the application of the non-punishment principle to victims of trafficking (paragraph 108).
 5. make further efforts to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for in the Convention, including by:
 - not requiring written consent from trafficked persons for them to be identified as victims;
 - extending the application of the existing framework for identification of victims of trafficking to third-country nationals without legal residence in Hungary;
 - proactively detecting and identifying victims of human trafficking for all types of exploitation, including those subjected to domestic servitude (see paragraph 162);
 - ensuring that a proper identification procedure of victims of trafficking among asylum seekers and irregular migrants is in place;
 - duly conducting individualised risk assessments prior to any forced return of irregular migrants or failed asylum seekers from Hungary, fully assessing the risks of trafficking or re-trafficking on return (paragraph 184);
 6. take further measures to provide victims of trafficking with adequate and effective assistance, and to ensure that all assistance measures provided for in law are guaranteed in practice to victims of trafficking, regardless of their immigration status. When the provision of assistance is delegated to NGOs or other non-state actors as service providers, the State has an obligation to provide, through an effective system of allocation, adequate and consistent financing to ensure quality human resources, services and assistance delivered (paragraph 206);
 7. take further steps to identify child victims of trafficking and to provide them with assistance adapted to their needs, including by:
 - sensitising and training staff working with children, including in residential care institutions, as well as other child protection professionals across the country, on trafficking in human beings, its indicators, prevention measures and where to refer presumed child victims for assistance;
 - raising awareness of human trafficking and online safety among children, including those in residential homes;
 - putting in place measures aimed at preventing the trafficking of children belonging to vulnerable groups, including Roma children and unaccompanied children who have fled Ukraine;

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- setting up child-specific identification procedures which involve child specialists and take into account the special circumstances of child victims of trafficking;
 - ensuring that relevant actors take a proactive approach to identifying child victims of trafficking, including by paying particular attention to children accommodated in special residential homes and unaccompanied foreign children;
 - strengthening the training provided to front-line professionals on the identification of child victims of trafficking, including police officers, prosecutors, and legal guardians;
 - reviewing the new measures introduced in the Child Protection Act with a view to ensuring compliance with international standards on the rights of the child, in particular as regards the placement of child victims of trafficking in closed facilities;
 - taking measures to ensure that child victims of THB are provided with an accommodation which creates a safe and enabling environment for children, paired with a sufficient number of staff (paragraph 222);
8. ensure that the recovery and reflection period is defined in law in compliance with Article 13 of the Convention, and that all possible foreign victims of trafficking are granted a recovery and reflection period when there are reasonable grounds to believe that they are victims of trafficking, regardless of whether they cooperate with law enforcement authorities or not (paragraph 226);
9. provide foreign victims of trafficking with access to a fair and efficient asylum procedure, giving full consideration to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection (paragraph 235).
- B. Recommends that the Hungarian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Hungarian Government to report to the Committee of the Parties on the measures taken to comply with this recommendation by **21 June 2026**.
- D. Invites the Hungarian Government to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.